

MELINDA HAAG (CABN 132612)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

LOWELL C. POWELL (CABN 235446)
Special Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-7368
Facsimile: (415) 436-7234
Email: lowell.powell2@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
CARLOS ALBERTO ORANTES)
HERNANDEZ,)
a/k/a Carlos Hernandez Orantes.)
a/k/a Javier Hernandez Balbuena,)
a/k/a Javier Balbuena,)
a/k/a Javier Babualena,)
)
Defendant.)

NO. CR 10-0647

**STIPULATION AND [PROPOSED]
ORDER EXCLUDING TIME UNDER 18
U.S.C. § 3161**

On September 7, 2010, the parties in this case appeared before the Court. At that time, the Court set the matter to September 24, 2010 before the Honorable Susan Illston. The case has been related to CR 08-00092 MHP and set to September 20, 2010, before the Honorable Marilyn H. Patel. The parties have agreed to exclude the period of time between September 7, 2010 and September 20, 2010, from any time limits applicable under 18 U.S.C. § 3161. The parties have represented that granting the exclusion would allow the reasonable time necessary for effective

1 preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties also agree that the ends
2 of justice served by granting such an exclusion of time outweigh the best interests of the public
3 and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). At the hearing, the Court made
4 findings consistent with this agreement.

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8 SO STIPULATED:

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10 MELINDA HAAG
United States Attorney

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12 DATED: September 1, 2010

13 /s/
LOWELL C. POWELL
Special Assistant United States Attorney

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15 DATED: September 16, 2010

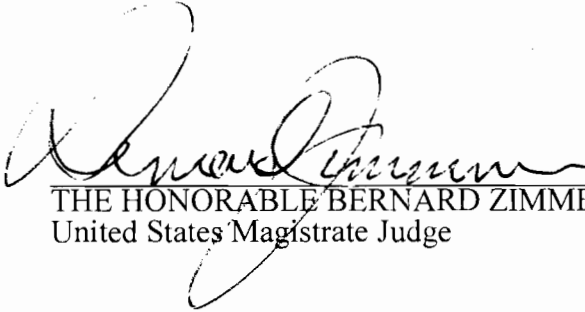
16 /s/
RONALD TYLER
Attorney for CARLOS ORANTES HERNANDEZ

[PROPOSED] ORDER

For the reasons stated above and at the September 7, 2010 hearing, the Court finds that the exclusion from the time limits applicable under 18 U.S.C. § 3161 of the period from September 7, 2010 through September 20, 2010 is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §3161(h)(7)(A). The failure to grant the requested exclusion of time would unreasonably deny counsel for the defendant and for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §3161(h)(7)(B)(iv).

IT IS SO ORDERED.

DATED: 16 Sept 10


THE HONORABLE BERNARD ZIMMERMAN
United States Magistrate Judge